

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30516 of 2025

Arising Out of PS. Case No.-631 Year-2024 Thana- BIHTA District- Patna

Mahatab Alam @ Mahtab @ Raju @ Jhauwa @ Jhuna @ Mehtan S/o Ghutan
Quraishi Resident of Village- Neora, P.S.-Neora, District- Patna, Bihar-801113.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Noushad Khan, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Bihta P.S. Case No. 631 of 2024, dated 15.07.2024, lodged under Sections 303(2) and 317(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”), pending before the Court of Sessions Judge, Danapur, Patna.

3. As per the prosecution, an FIR has been lodged against two named and two unknown accused persons, alleging that they stole the informant's cattle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that the petitioner is not named in the FIR, his name has figured in this case solely on the basis of the confessional



statement of a co-accused, from whose possession the stolen property (cattle) were recovered. The petitioner has been unnecessarily implicated in the present case. Counsel also submits that the petitioner has not been subjected to a Test Identification Parade (TIP) till date. It is further submitted that the petitioner does not have a clean antecedent, as one criminal case is pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the confessional statement of the co-accused is not merely a confession, but rather a corroboration. Counsel also submits that the criminal antecedent of the petitioner is not clean.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby **rejected**.

(Dr. Anshuman, J.)

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